



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

FILE COPY

December 29, 2009

Commercial Real Estate  
River Bank  
30 Massachusetts Avenue  
North Andover, Massachusetts 01845  
Attention: Richard L. Archambault, Vice President

Re: New Ventures LLC Standby Trust Account No. 00837005453  
Instruction to Make Payment Pursuant to the Corrective Action Standby Trust Agreement

Dear Mr. Archambault:

Pursuant to Paragraph 6 of the Corrective Action Standby Trust Agreement dated October 20, 2003 ("Trust Agreement"), as amended on October 8, 2009 and October 28, 2009, between New Ventures Associates, LLC ("New Ventures") and River Bank ("Bank"), as Trustee, for the benefit of the Massachusetts Department of Environmental Protection ("MassDEP" or the "Department"), MassDEP hereby instructs and directs the Bank to pay to D&R General Contracting, Inc. of Stoneham, Massachusetts a total of Two-Hundred Sixty-Five Thousand Dollars (\$265,000.00) from the Trust Account.

Pursuant to the Memorandum of Agreement ("MOA") dated October 5, 2009, as amended on November 24, 2009, entered between New Ventures, MassDEP, and the Attorney General, D&R General Contracting, Inc. conducted certain tasks that the Department deemed necessary to complete proper closure of the Crow Lane Landfill in Newburyport, Massachusetts. D&R General Contracting, Inc. performed the tasks and submitted the following enclosed invoices to MassDEP:

Invoice Number	Date	Amount
NV001	12/09/2009	\$265,000.00

Total: \$265,000.00

In addition, pursuant to the MOA D&R General Contracting, Inc. has submitted a Contractor's Certification of the work and SITEC Environmental ("SITEC") of Marshfield, Massachusetts has reviewed and certified the work and invoices. MassDEP has reviewed and approved SITEC's certification and hereby approves the invoices for payment in full.

Kindly send payment to:

D&R General Contracting, Inc.  
138 Franklin Street  
Stoneham, MA 02180

With copies to:

William Thibeault  
New Ventures Associates, LLC  
85-87 Boston Street  
Everett, MA 02149

Eric Fahle  
MassDEP  
Bureau of Waste Protection  
Business Compliance Section  
1 Winter Street  
Boston, MA 02108

Richard J. Chalpin  
Regional Director  
MassDEP – NERO  
205B Lowell Street  
Wilmington, MA 01887

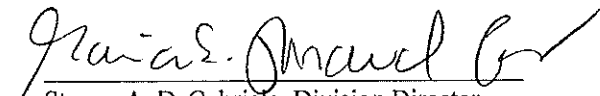
Richard A. Nylen Jr, Attorney at Law  
Lynch, DeSimone & Nylen, LLP  
12 Post Office Square  
Boston, MA 02109

Matthew Ireland, Esq  
Assistant Attorney General  
Environmental Protection Division  
One Ashburton Place  
Boston, MA 02108

Should you have any questions about this matter, please contact Eric Fahle at (617) 292-5970.

Very truly yours,

By:

  
Steven A. DeGabriele, Division Director  
Business Compliance Division

Date: 12/29/09

Enclosures: Invoices, Contractor Certification, SITEC Certification



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

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Commissioner

**MEMORANDUM**

**Date:** December 23, 2009

**To:** Eric Fahle MassDEP/Boston-BWP

**Copy:** Richard J. Chalpin, Regional Director MassDEP/NERO  
Michael Dingle, MassDEP/Boston-OGC  
Matthew Ireland, Attorney General Office/Boston

**From:** John A. Carrigan MassDEP/NERO- BWP/Solid Waste

**Subject:** Crow Lane Landfill  
Facility Master File No: 39545  
D&R General Contracting, Inc.  
Authorization to Release Funds  
Invoice No.: NV001

Eric:

Pursuant to the Memorandum of Agreement (MOA) dated October 6, 2009 entered between New Ventures Associates, LLC, MassDEP, and the Attorney General, I have reviewed the certification submitted by SITEC Environmental ("SITEC") of Marshfield, Massachusetts for work performed by D&R General Contracting, Inc. 138 Franklin Street, Stoneham, Massachusetts including the attached invoice number: NV001.

Based on my review, pursuant to the MOA, I approve SITEC's certification and authorize disbursement of funds in the amount of (\$265,000.00) to D&R General Contracting, Inc. pursuant to the MOA and the Corrective Action Standby Trust Agreement dated October 20, 2003 ("Trust Agreement"), as amended on October 8, 2009 and October 28, 2009, entered between New Ventures Associates, LLC ("New Ventures") and River Bank ("Bank"), as Trustee, for the benefit of the Massachusetts Department of Environmental Protection ("MassDEP" or the "Department"). Enclosed with this memorandum are copies of D&R General Contracting, Inc.'s invoice number: NV001 and Contractor Certification, and SITEC's Certification.

Should you have any questions please contact me at (978) 694-3299.



# SITEC

## ENVIRONMENTAL

Civil and Environmental Engineering, Land Use  
Planning, Hazardous and Solid Waste Consulting

769 Plain Street, Unit C  
Marshfield, Massachusetts 02050  
TEL (781) 319-0100 FAX (781) 834-4783

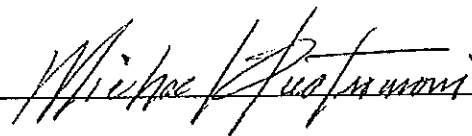
### MEMORANDUM

**To:** Commonwealth of Massachusetts  
Department of Environmental Protection  
**Attn:** Richard Chalpin, Regional, Director  
**From:** Mike Quatromoni  
**Date:** December 22, 2009  
**Re:** Crow Lane Landfill Closure, Contractor Invoice Certification  
D&R General Contracting, Inc.

This certification is being provided in accordance with 310 CMR 19.011 and the Memorandum of Agreement (MOA), dated October 5, 2009, between the Commonwealth of Massachusetts and New Ventures Associates, LLC. SITEC has reviewed Invoice No. NV001, dated 12/9/09, and the Contractor Certification provided by D&R General Contracting, Inc. (D&R) for work done by D&R at the Crow Lane Landfill. SITEC oversaw the work described in the Contractor Certification and certifies that the work described therein has been completed as required by the Final Corrective Action Design Plan.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties both civil and criminal for submitting false information including possible fines and imprisonment.

**Signature:**



**Name :**

Michael Quatromoni

**Title:**

Project Manager

**Relationship to NVLLC:**

Engineering Consultant

**Legal Interest in Facility:**

None

# *D & R General Contracting, Inc.*

138 Franklin Street, Stoneham, MA 02180  
Phone: 781-438-7772 Fax: 781-438-5857

Invoice Number: NV001  
Invoice Date: 12/09/2009

New Ventures  
85 Boston Street  
Everett, Ma. 02149

Crow Lane, Newburyport Landfill

For work done at the above site including, drainage construction, furnish and install reinforced concrete pipe, precast drain manholes and other work as outlined in D & R quote #1748.

*Total Due*

**\$265,000.00**

# D & R General Contracting, Inc.

138 Franklin Street  
Stoneham, MA 02180

Phone: (781)438-7772

Fax: (781)438-5857

Quality Paving Through Experience.

Estimate #: 1748

Submitted To: New Ventures  
Address: 85 Boston Street  
Everett, MA 02149

Date: 11/17/20  
Phone: Fax: (978)462-5241  
Job Name: Crow Lane Newburyport Landfill  
Job Location: Newburyport, MA  
Prop. Owned By: Newburyport Landfill

Contact:

1. DRAINAGE CONSTRUCTION - Landfill Area area, work to include: Drill and blast ledge for 150' x 150' x 12' denton pond, drill and blast 520' x 15' x 12' trench with overburden in place to include drilling equipment, explosives, licensed blaster and qualified assistants, blast design per local and state regulations, blasting permit, blasting mats, seismic monitoring, preblast survey and fire department details, line and grade, 3/8" crushed stone for stemming, excavation for relief by others and placing of blasting mats by others, Furnish and install 30" reinforced concrete pipe, 24" high density poly ethylene pipe, precast concrete drain manholes, one 30" precast headwall and stone lined channel energy dissipater, including installing bedding for pipe, trench backfilling. Furnish gradall for site use for duration of construction for stabilizing perimeter berm and repaving washout areas in preparation for winter. \$275,000.00

Please Note:

- \* Bedding for pipe supplied by others.
- \* Backfill material supplied by others.
- \* Structure from basin one with 24" pipe by others.
- \* Berm construction and rip rap lines swale by others.
- \* Unsuitable material excavation below sub-grade and refill by others.
- \* Harzardous and/or contaminated material handling by others.
- \* Police details by others.
- \* Off site disposal of ledge or excess material by othes.
- \* Geotechnical and environmental engineering and testing by others.
- \* Survey by others.
- \* Relocation of/or temporary facilities by others.
- \* Bonds by others.
- \* Loam and seed of disturbed areas by others.

## Special Notes:

- \* All prep for paving by others, other than stated herein.
- \* All loam and seed of disrupted work area to be performed by others.
- \* All geotechnical and environmental engineering by others.
- \* All survey by others.
- \* All permits and fees by others.

TERMS: Net cash 30 days upon completion and receipt of invoice, no retainage to be held. Subject to credit approval.

MOBILIZATIONS: Price based on a 1 mobilization(s).

SALES TAX: Prices include the applicable Massachusetts sales tax on materials and other related taxable items to be used on this project.

## ACCEPTED:

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer

Signature

Date of Acceptance Nov 17 - 2009

## CONFIRMED:

D & R General Contracting, Inc.

Authorized  
Signature

Title Richard Amihault, Contracts Admin.

**CHANGE ORDER**
 Owner  
 Construction Manager  
 Engineer/Architect  
 Contractor

 Project: Crow Lane Newburyport Landfill  
 Newburyport, Ma

Change Order # 1

Change Order Date: 12/09/2009

 TO: New Ventures  
 85 Boston St.  
 Everett, Ma. 02149

Project #:

For: Drainage construction

The Contract is changed as follows:

Stop blasting, reposition to change direction and shoot smaller blast to insure structural integrity of the berm per DEP.

The original contract amount was.....	\$275,000.00
Net change by previous change orders.....	-0-
The contract amount prior to this change order.....	\$275,000.00
The contract amount will be increased by this change order in the amount of \$20,000.00	
The new contract amount including the change order will be.....	\$295,000.00
The contract time will be increased by .....	
The new date of completion as of the date of the change order therefore is.....	

Not valid until signed by all parties below.

D&amp;R General Contracting, Inc.

Contractor

138 Franklin St. Stoneham Ma.

Address

Robert A. Rotondi of 12/9/09

BY: Robert A. Rotondi, President Date

Owner

Address

BY:

Date

Engineer/Architect

Address

BY:

Date

Construction Manager

Address

BY:

Date



# ATTACHMENT B

## CERTIFICATION OF WORK AND REQUEST FOR PAYMENT

1. This Certification is contemplated by the Memorandum of Agreement ("Agreement") executed by and among the Commonwealth of Massachusetts, acting by and through the Attorney General and the Massachusetts Department of Environmental Protection (the "Department") and New Ventures Associates, LLC ("New Ventures") on [date] and is intended to secure the release of funds held at [Bank] and established pursuant to a Standby Trust Agreement established by and among New Ventures and Bank on October 20, 2003. All terms used in this Certification shall have the same meaning as they have in the Agreement.

2. The undersigned Contractor has incurred costs for the performance of cleanup activities (installation of PML, landfill gas extraction wells and/or blasting of Basin 1) described in the Agreement. These activities were performed on the following date(s) for performance of the work indicated:

Date(s)	Nature of work performed	Itemized Costs
	Blast Drill Ledge	2,650,000.00
	Install 30' Pipe	
	Per Contract	

3. The foregoing costs are itemized in the signed invoices (along with any other documentation) attached hereto.

4. The foregoing costs do not include any of the following: (a) fees, charges, or costs related to services of attorneys; or (b) fees, charges, or costs of any work, service or task performed by any director, officer, principal, employee or servant of New Ventures, Wood Waste of Boston, LLC, or William Thibault.

5. I hereby certify that the above-specified work in the amount(s) indicated below was performed as described herein.

Payment Amount:

2,650,000.00

12-22-09 2:32PM

In witness whereof, the undersigned has executed this Certification under the pains and penalties of perjury this 22 day of Dec, 2009.

*Robert A. Rotondo*

As Corporate Officer of Contractor, duly authorized

Sworn and subscribed before me this 22 day of Dec, 2009

*Richard James Ambault*  
Notary Public  
My commission expires:



RICHARD JAMES AMBAULT  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
July 21, 2011

\* \* \* COMMUNICATION RESULT REPORT ( DEC. 29. 2009 2:23PM ) \* \* \*

FAX HEADER 1: BUREAU OF ADMIN  
FAX HEADER 2:TRANSMITTED/STORED : DEC. 29. 2009 2:20PM  
FILE MODE OPTION

ADDRESS

RESULT

PAGE

1735 MEMORY TX

9787257607

OK

10/10

REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWERE-2) BUSY  
E-4) NO FACSIMILE CONNECTION

COMMONWEALTH OF MASSACHUSETTS  
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Commissioner

BUREAU OF WASTE PREVENTION  
BOSTON OFFICE  
FAX #: (617)556-1063

TO: RICHARD L. ARCHAMBAULTFAX #: 1-978-725-7607FROM: ERIC FAHLE 1-617-892-5970DATE: 12-29-2009NO. OF PAGES: 10 EXCLUDING COVERSUBJECT: NEW VENTURES, LLC  
TRUST PAYMENT AUTHORIZATION - CROWD LAKE CONTRACTORSINVOICE # 10001DATE 12/09/2009AMOUNT \$ 265,000.00CONTRACTOR D & R GENERAL CONTRACTING INC.

